

**From:**

**Sent:** Friday, August 13, 2010 3:37 PM

**To:** Restriction\_Comments

**Subject:** Comments on Restriction Practice FR Notice

Dear Ms. Therkorn,

Please see attached comments in response to 75 Fed. Reg. 33584.

**Ms. Robin Muthig**

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August 13, 2010

The Honorable David J. Kappos  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office (USPTO)  
Mail Stop Comments  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Linda S. Therkorn

**Re: IPO Comments on "Proposed Changes to Restriction Practice in Patent Applications," 75 Fed. Reg. 33584 (June 14, 2010)**

Dear Under Secretary Kappos:

I am responding to the *Federal Register* notice of June 14 inviting comments on "Proposed Changes to Restriction Practice in Patent Applications." One of your questions is, "5. How could the Office improve rejoinder practice?" I suggest a term other than "rejoinder" to describe the practice of reinstating claims in an application after a restriction requirement.

The Office has hijacked a common word from the English language and given it a specialized meaning, which tends to drive language purists crazy. According to the *American Heritage Dictionary of the English Language* and *Black's Law Dictionary*, a "rejoinder" is an answer to a reply, or, in the field of law ever since the 15th century, a defendant's answer to a plaintiff's reply. I suggest that "claim reinstatement practice" would be a more accurate name and might make restriction practice a bit easier to understand.

My employer, Intellectual Property Owners Association (IPO), is sending separate comments on legal issues relating to restriction practice.

Respectfully,

The IP Language Curmudgeon  
(Author of Friday Column in IPO Daily News™, www.ipo.org)

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